

ENTERED

May 06, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KEN HAMILTON,

Plaintiff,

VS.

ALLSTATE INSURANCE COMPANY,

Defendant.


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CIVIL ACTION NO. 2:18-CV-347

ORDER ON SUMMARY JUDGMENT MOTIONS

Before the Court in this insurance dispute are cross-motions for summary judgment regarding the coverage available under Plaintiff Ken Hamilton's Standard Flood Insurance Policy. D.E. 49, 52. The central issue is whether Hamilton's home is a non-elevated, two-story home on a concrete slab (as supported by his elevation certificates) or a post-Flood Insurance Rate Map elevated structure (as supported by the home's undisputed original construction). This question requires a determination of whether Flood Zone B regulations permitted the enclosure or whether the National Flood Insurance Program prohibited it—while in Zone B. Because neither party has offered admissible facts or controlling authority on that issue, there is a disputed issue of material fact precluding summary judgment on both motions. The Court DENIES both motions (D.E. 49, 52).

ORDERED this 6th day of May, 2021.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE